

Remarks:

Applicants reply to the final Office Action dated December 16, 2010, within two months. Claims 1, 3-5, and 16-31 were pending, and the Examiner rejects claims 1, 3-5, and 16-31. Reconsideration of this application is respectfully requested. Support for the amendments may be found in the originally-filed specification. No new matter is entered with these amendments. Applicants respectfully request reconsideration of this application.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejects claims 1, 3-5, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Remillard, U.S. Patent No. 5,404,393, ("Remillard") in view of Von Kohorn, U.S. Patent No. 5,034,807, ("Von Kohorn"). Applicants respectfully disagree with these rejections, but Applicants present claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

First, as a procedural matter, Applicants respectfully assert that the Examiner has not shown a *prima facie* case of obviousness because the Examiner has not carried the burden of factually supporting the conclusion of obviousness. *See* M.P.E.P. § 2142. For example, the reference cited by the Examiner ***does not disclose or contemplate all elements of Applicants' claims***. For instance, claim 1 recites "wherein the proposed strategy is based on the marketing information and the additional marketing information." However, the Office Action is silent as to the cited references providing support for a proposed strategy being based on the additional marketing information as recited in claim 1. Applicants respectfully request the **finality of this Action be removed**, so that the Examiner may adequately respond to this concern and present a complete Office Action.

Second, Remillard generally discloses "An electronic device and method for accessing remote electronic facilities and displaying associated information on a conventional television set," (abstract). The Examiner, on pages 2 and 3 of the Office action, states "Col. 5 Line 62-Col. 6, Line 21, discloses a user requesting additional information regarding an advertised product via an electronic device, where the host compute[r] provides the information." However, requesting information is not analogous to nor does it disclose or contemplate "presenting additional marketing information," as recited by independent claim 1 (emphasis added), and similarly recited by claims 30 and 31. Remillard is silent to "presenting additional marketing information," as recited by independent claim 1 (emphasis added), and similarly recited by claims 30 and 31.

Remillard discloses “Similarly, for other programming, such as advertisements, the user can request information regarding a product. For advertisements which are not specially designed, or which are not prearranged with the host computer, the request can be logged by station and time. Knowing the electronic device's ID, and other user information, the system 10 can record the request and still initiate a request for the specific information by accessing a history of the programming for the logged station, at the particular date and time,” (col. 6, lines 9-18). Remillard **does not disclose a host computer providing the information**. Remillard also does not **disclose the electronic device providing the information**.

As previously mentioned, Claim 1 recites “accept from the remote recipient by the distinct second interface a proposed strategy, wherein the proposed strategy is based on the marketing information and the additional marketing information, wherein the strategy comprises a method to complete a goal.” Since Remillard is silent as to presenting additional marketing information, Remillard is also silent to a proposed strategy being based on the additional marketing information,” as recited by independent claim 1 (emphasis added), and similarly recited by claims 30 and 31.

Von Kohorn generally teaches a system and method for evaluating responses to broadcast programs, such as television programs, (abstract). Specifically, using the system of Von Kohorn, “included at the site of each viewer is the external or remote audience is a television set, plus electronic response equipment having circuitry for reception of the instructional signal group transmitted from a central station, the response equipment also including a keyboard for designating answers or responses to the questions, timing circuitry, circuitry for comparing a response to one or more designated answers to determine acceptability of a response, scoring circuitry, and a recording device for recording answers to the question.” (col. 3, lines 5-14). Also, “in the event that a two-way cable system is available, such system may be used to advantage in the practice of the invention by providing for transmission of the television program to a remote audience while also enabling members of the remote audience to communicate responses or other commentary back to the broadcasting station,” (col. 2, lines 56-62). Von Kohorn is silent to and thus does not disclose or contemplate a “presenting additional marketing information associated with the transferred marketing information by a distinct second interface to the remote recipient,” as recited by independent claim 1, (emphasis added) and similarly recited by independent claims 30 and 31. The devices of Von Kohorn capable of entering information are not described as being capable of presenting additional information, let alone being capable of presenting additional marketing information.

Also, the system of Von Kohorn does not disclose or contemplate “wherein the distinct second interface is coupled to the distinct second media source,” as recited by independent claim 1, (emphasis added) and similarly recited by independent claims 30 and 31. Also, the system of Von Kohorn does not disclose or contemplate “wherein the proposed strategy is based on the marketing information and the additional marketing information,” as recited by independent claim 1, (emphasis added) and similarly recited by independent claims 30 and 31.

Thus, the cited references alone or in combination do not disclose or contemplate at least “present additional marketing information associated,” and “wherein the proposed strategy is based on the marketing information and the additional marketing information” as recited by independent claim 1 (emphasis added), and similarly recited by claims 30 and 31.

Dependent claims 3-5, and 16-29 depend from independent claim 1. Therefore, Applicants assert that dependent claims 3-5, and 16-29 are patentable for at least the same reasons stated above for differentiating independent claims 1, 30 and 31 as well as in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 3-5, and 16-29.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or specification, Applicants intend the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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